

In re KUMAR ET AL., Application No. 09/811,195
Amendment B

REMARKS

The final Office action dated June 14, 2005, and the references cited have been fully considered. In response, please enter the enclosed Request for Continued Examination (RCE) and the following amendments, and consider the following remarks. Reconsideration and/or further prosecution of the application is respectfully requested. No new matter is added herein.

Applicants appreciate the Office's help in putting this case in condition for allowance, and have provided correct claim annotations and have canceled claim 23 having the typographical error. Therefore, Applicants respectfully request the Office withdraw all claim rejections.

In terms of the claim rejections, Applicants respectfully traverse them, including the Office's changing of its statement of rejection of original independent claim 27, yet the Office still made the Office final in contradiction to the requirements of MPEP § 706.07, as the Office introduced new grounds of rejection of an original, not amended claim.

However, as this application has been pending for a long duration, Applicants have, in good faith, elected to file a Request for Continued Examination (RCE) with this Amendment B to put the application in condition for allowance as Applicants respectfully submit that all claims are clearly allowable over the prior art of record.

After entering of the RCE and this Amendment B, the two claim sets of independent claim 1 with its dependent claims of 2-6 and 35-36, and independent claim 30 with its dependent claims of 31 and 37-43 are pending, with claims 7-29 and 32-34 standing as canceled.

The claim amendments to independent claim 1 find clear support in the figures and specification of the original filed application, as, for example: in FIG. 1A and its description on pages 6-7 of the original application illustrating/describing the connectivity of the customer premises communication device, integrated access device (IAD), ATM edge switch, ATM network, second IAD and second customer premises communication device; in the message sequence chart illustrated in FIG. 3 and described on pages 9 to 10 of the original application and in the flow diagram of FIG. 4 and described on pages 10 to 11 of the original application

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illustrating and describing the sequence of messages communicated between the various devices; and as well by previously pending claims 7, 8, and 30. In terms of new dependent claim 35, additional and clear support for this claim on page 8, line 12 of the original filed application, and clear support is provide for new claim 36 at least by messages 358-360 of the message sequence chart of FIG. 3 and described on page 10 of the original disclosure. Also, claims 31 and 37-43 are means plus function claims with support provided for the amendments to claims 1 and for new claims 37-43 provided at least by and/or for the same reasons presented herein as for the amendments/support for claims 1, 2-6, and 35-36, respectively.

Applicants respectfully submit that independent claims 1 and 30 are allowable over the prior art of record for at least the reasons that the prior art of record, alone or in combination, neither teaches nor suggests all the claim limitations as required for a proper rejection. For example, claim 1 includes, *inter alia*, the structural differences of the relationship between the CPE, IAD, and ATM edge switch and network, as well as the operations of receiving the off-hook indication, and all of the signaling operations recited in claim 1. Independent claim 30 is in means plus function format with similar limitations differentiating the recited limitations from any and all prior art of record. For at least these reasons, independent claim 1 with its dependent claims of 2-6 and 35-36, and independent claim 30 with its dependent claims of 31 and 37-43 are believe to be allowable. Therefore, Applicants respectfully request this application be allowed and passed to issuance.

FINAL REMARKS. In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over the prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.

Applicants believe a one-month extension of time is required, and hereby petitions any extension of time required and has included herewith a credit card payment form (PTO-2038)

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for payment of the extension fee, and Applicants hereby authorize the Commissioner to charge/credit any additional associated fees to Deposit Account No. 501430.

Additionally, the Commissioner is hereby generally authorized under 37 C.F.R. § 1.136(a)(3) to treat this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 requiring an extension of time as incorporating a request therefore, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 501430 for any fee that may be due in connection with such a request for an extension of time. Moreover, the Commissioner is hereby authorized to charge payment of any fee due any under 37 C.F.R. §§ 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 501430.

Respectfully submitted,
The Law Office of Kirk D. Williams

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By


Kirk D. Williams, Reg. No. 42,229
One of the Attorneys for Applicant
CUSTOMER NUMBER 26327
The Law Office of Kirk D. Williams
1234 S. OGDEN ST., Denver, CO 80210
303-282-0151 (telephone), 303-778-0748 (facsimile)